

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Don Smith

Docket No. 7:14-CR-41-2FL

Petition for Action on Supervised Release

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Don Smith, who, upon an earlier plea of guilty to 21 U.S.C. § 846 and 21 U.S.C. § 841(b)(1)(B) Conspiracy to Distribute and Possess With Intent to Distribute 500 Grams or More of Cocaine, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on February 5, 2015, to the custody of the Bureau of Prisons for a term of 22 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 24 months.

Don Smith was released from custody on June 3, 2016, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 15, 2016, Smith submitted to urine testing and the result was positive for marijuana and cocaine. Smith admitted using illegal drugs prior to the first test date and again on September 30, 2016. Another test taken October 6, 2016, was positive for marijuana. He has been referred to our outpatient substance abuse treatment and testing program and the frequency of tests have been increased. He has been advised that he has violated the conditions of release and has agreed to serve a two day jail sanction. As such it is recommended the court impose a two day jail sanction and place Smith in the DROPS program in response to illegal drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

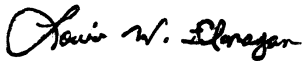
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2046
Executed On: October 18, 2016

ORDER OF THE COURT

Considered and ordered this 20th day of October, 2016, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge